

REMARKS

Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

I. Status of the Claims

Claims 22-24 have been amended. Support for the amendments is found, for example, on page 27, lines 16-25 of the present Specification and shown on Fig. 2. No new matter has been added.

Claims 4-18 and 22-27 are presently pending.

Claims 4-18 and 22-27 stand rejected.

II. Telephone Interview

Applicants thank the Examiner for all the courtesies extended to Applicants' representative, Louis DelJuidice, in the telephone interview on September 14, 2005.

III. Rejection under 35 U.S.C. §§ 102 and 103

Claims 4-15, 22-24, and 26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,926,218 to Smith. Claims 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,654,057 to Rhodes. Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 5,986,764 to Nonaka. Applicants respectfully traverse these rejections, and reconsideration is respectfully requested.

The present invention is directed to an image capturing apparatus that includes a first optical system and a second optical system, each of which is independent from each other. A processing means corrects a difference in image capturing position between the first optical system and the

second optical system. As shown in Fig. 2, the first optical system receives light along a first light path from the subject (first subject image light) and supplies image data based on the first subject image light F1, to the first image capturing device. The second optical system receives light along a second light path (second subject image light), separate from the first light path, and supplies image data based on the second subject image light F2, to the second image capturing device. The image data is supplied separately from each of the optical systems to the respective capturing devices since the two optical systems each capture an image from a separate light path. Claims 22, 23, and 24 have been amended to recite these elements in the claims.

The Examiner contends that Smith discloses all of the features of the present invention set forth in claims 22, 23, and 24, including that Smith's system can receive light from two separate light paths to two separate image capturing device and correct the difference between the two. Examiner cites Smith, column 6, lines 29-33.

Applicants respectfully traverse this rejection. Smith discloses two separate and distinct embodiments for electronic cameras. The first embodiment is set forth in Figure 1, and described in Smith, column 2, line 47 to column 5, line 65. The second embodiment is illustrated in Figure 2 and described in Smith, column 5, line 66 to column 6, line 54.

The first embodiment includes two optical sections, a viewfinder optical section 16 and an imaging optical section 20. Each section 16, 20 has its own light path, viewfinder optical path 10 and imaging optical path 12, respectively. In this regard, Smith discusses all the features and equivalents of the first embodiment in almost 3½ columns of text. In the description of the first embodiment, Smith is silent regarding the correction of errors between the first and second optical systems.

In contrast, Smith discloses a second embodiment having two optical sections, a viewfinder optical section 16 and an imaging optical section 20. The sections 16, 20 share a single light path, main optical path 66. It is only in regard to the second embodiment that Smith discusses the correction of parallax.

In support for this position, Applicants direct the Examiner to the description of second embodiment. The description starts with "Referring next to FIG. 2 ..." and goes on to describe the elements of the second embodiment that differ from the first (Smith, column 5, line 66). One key

difference is that the second embodiment has one light path and a beamsplitter 64 to divide the single light path into two, one for each optical section. The next paragraph starts “[i]n addition to the display/viewfinder and other camera functions described in connection with FIG. 1 (exposure, metering, and white balance), the implementation shown in FIG. 2 allows ...” numerous other additional features that are not found in the first embodiment (Smith, column 6, lines 14-17 – emphasis added). The paragraph continues to describe all of the features of the second embodiment not found in the first embodiment due to the specific configuration of the second embodiment. The separate and distinct features are provided by the fact that the two optical systems share a light path, for example, through-the-lens autofocus. The same paragraph ends with the benefits conferred by the beamsplitter:

Besides offering autofocus and autoranging, the utilization of a beamsplitter reduces the complexity of the optics and image alignment, and takes up less space in the camera. In addition, this arrangement eliminates parallax (pointing) errors between the sensors.

Smith, column 6, lines 29-34 (emphasis added). In reading the above sentences, the first sentence discusses the benefits of the beamsplitter and the second sentence refers only to “this arrangement,” meaning the arrangement of Figure 2 having a beamsplitter. Thus, Smith does not disclose an image capturing apparatus having two optical systems receiving light from two separate light paths that can also correct image differences.

Thus, Applicants respectfully submit that Smith does not teach or suggest all of the elements of claims 22-24. Further, claims 4-15 and 26 depend from the independent claims and are allowable based on the above arguments. Applicants request that the rejections be withdrawn.

Further, regarding claims 16-18 and 25, Smith teaches away from an image correcting feature in the first embodiment, since a beamsplitter is not present. Furthermore, a beamsplitter cannot be inserted into the first embodiment because it would destroy the function of camera. Additionally, neither Rhodes nor Nonaka disclose the elements missing from Smith. Thus, Smith, Rhodes and Nonaka do not, alone or in combination, disclose all of the elements of the claims. Claims 16-18 and 25 depend from the independent claims and are allowable based on the arguments above. Applicants respectfully request that the present rejection be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

Louis J. DelJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant